

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
HALF MOON BAY CONDO ASSOCIATION,

Plaintiff,

-against-

NEW HAMPSHIRE INSURANCE COMPANY,

Defendant.

-----X  
STIPULATION OF  
DISCONTINUANCE  
WITH PREJUDICE*S. Oster*  
Civil No. 07-CV-  
7102 (CLB)

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties to the above-captioned matter that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action herein, the above-entitled action be and the same is hereby discontinued, with prejudice and without costs to any party as against another.

Dated: Elmsford, New York  
December 7, 2007

Pilling Miller Tarallo LLP

WILLIAM A. ELDER, ESQ.  
PILLINGER MILLER TARALLO, LLP  
Attorneys for Plaintiff  
Half Moon Bay Condo  
Association  
570 Taxter Road  
Suite 275  
Elmsford, New York 10523  
(914) 703-6300  
Our File No: HMB-00101/WAE

J. Mercante

JAMES MERCANTE, ESQ.  
RUBIN FIORELLA & FRIEDMAN,  
ESQS.  
Attorneys for Defendant  
NEW HAMPSHIRE INSURANCE  
COMPANY  
292 Madison Avenue  
New York, New York 10017

SO ORDERED: January 7, 2008

Charles L. Brieant

THE HONORABLE CHARLES L. BRIEANT  
*USDS*

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN,

**KNOW THAT**, Half Moon Bay Condo Association, organized under the laws of the State of New York, as RELEASOR, in consideration of the sum of SEVEN THOUSAND, FIVE HUNDRED (\$7,500.00) DOLLARS, received from NEW HAMPSHIRE INSURANCE, and the subject policy remaining in effect, as RELEASEE, receipt whereof is hereby acknowledged, releases and discharges NEW HAMPSHIRE INSURANCE, the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty, or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE.

More particularly

The words "RELEASOR" and "RELEASEE" include all releasors and all releasees under this RELEASE.

This RELEASE may not be changed orally.

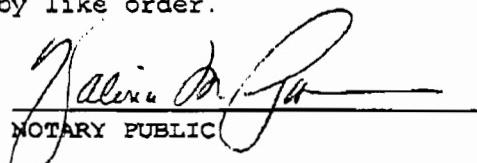
IN WITNESS WHEREOF, the RELEASOR has hereunto set RELEASOR'S hand and seal on the day of 19<sup>th</sup> day of Dec., 2007.

IN PRESENCE OF

  
DAVID PLOTKIN

STATE OF New York COUNTY OF Orange ss:

On December 19, 2007, before me personally came DAVID PLOTKIN to me known, who, by me duly sworn, did depose and say that deponent resides at Blooming Grove, NY 10514 and that deponent is the Board Member of Half Moon Bay Marine Board Assoc., the corporation described in, and which executed the foregoing RELEASE, that deponent knows the seal of the corporation, that the seal affixed to the RELEASE is the corporate seal, that it was affixed by order of the board of the corporation; and that deponent signed deponent's name by like order.

  
NOTARY PUBLIC

VALERIA M. PARKER  
Notary Public, State of New York  
No. 4841994  
Qualified in Orange County  
Commission Expires March 30, 2011

**PILLINGER MILLER TARALLO, LLP  
ATTORNEYS AT LAW**

Reply To: ■ 570 Taxter Road, Suite 275, Elmsford, NY 10523 Tel: (914) 703-6300 Fax: (914) 703-6688  
□ 17 State Street, 15<sup>th</sup> Floor, New York, NY 10004 Tel: (212) 461-6115 Fax: (212) 461-6116

Website: www.pmtlawfirm.com

January 7, 2008

**VIA FACSIMILE: (914) 390-4085**  
**AND FIRST CLASS MAIL**

The Honorable Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Half Moon Bay Condo Association v. New Hampshire Insurance Company  
Our File : HMB-00101/WAE  
Index No. : Civil No.: 07-CV-7102 (CLB)

Dear Honorable Sir:

The above-captioned matter has been settled by the parties and, pursuant to the instructions of your Law Secretary, I have faxed a Stipulation of Discontinuance with Prejudice, which we respectfully request be "So Ordered." I have also faxed a copy of the General Release setting forth the terms of the settlement of this case.

If any additional documentation is required to complete the discontinuance of this case, please do not hesitate to contact the undersigned. Thank you for your cooperation in this regard.

Very truly yours,

PILLINGER MILLER TARALLO, LLP

By:   
WILLIAM A. ELDER

WAE/amm  
Enclosures  
70887.wpd

The Honorable Charles L. Brieant

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cc: James Mercante, Esq.  
Rubin Fiorella & Friedman, Esqs.  
292 Madison Avenue  
New York, New York 10017  
Via Facsimile: (212) 953-2462  
and First Class Mail